

Amendment No. 1 to SB2424

Kelsey  
Signature of Sponsor

**AMEND Senate Bill No. 2424\***

**House Bill No. 2409**

by deleting all language after the caption and by substituting instead the following:

WHEREAS, the right of the people to keep and bear arms is protected by the Constitution of the United States and the Constitution of the State of Tennessee; and

WHEREAS, the Supreme Court of the United States has ruled in *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) that "No state shall convert a liberty into a privilege, license it, and attach a fee to it."; and

WHEREAS, by requiring Tennesseans to pay for and obtain a permit to publicly carry a handgun in all forms, including openly and while in a motor vehicle, current Tennessee law converts the right to carry a handgun into a privilege; and

WHEREAS, the Tennessee Constitution in Article I, Section 26 permits the legislature to "regulate the wearing of arms with a view to prevent crime"; and

WHEREAS, the provisions of Article I, Section 26 of the Tennessee Constitution imply that laws regulating firearms should be made only if these laws are intended to prevent crime and have the effect of preventing crime; and

WHEREAS, the laws of twenty-nine (29) states (Alabama, Alaska, Arizona, Colorado, Delaware, Idaho, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming) generally allow a person to carry a handgun in an unconcealed or open manner without being required to have a handgun carry permit; and

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WHEREAS, the laws of twenty-eight (28) states (Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming), to varying degrees and with varying restrictions, allow a person to possess a loaded handgun in a motor vehicle without being required to have a handgun carry permit; and

WHEREAS, people without handgun carry permits within these states regularly and frequently carry handguns openly and within a vehicle; and

WHEREAS, such activity has not caused increased danger to public safety or resulted in increased crime; and

WHEREAS, based on the experience of these other states, prohibiting the open carrying of handguns without a handgun carry permit and prohibiting the carry of a handgun in a motor vehicle without a handgun carry permit does not “prevent crime”; and

WHEREAS, it is the intent of this act to remove restrictions which may prohibit persons, who are not otherwise prohibited from possessing a handgun, to openly carrying handguns in this state without the necessity of a handgun carry permit; and

WHEREAS, amending Tennessee’s weapons laws to allow the open carrying of a handgun without a handgun carry permit and the carrying of a handgun in a motor vehicle without a handgun carry permit would bring Tennessee’s weapons laws into conformity with the weapons laws found in the majority of other states and truly protect the right of a person to keep and bear arms within the State of Tennessee; now therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "The Open Carry Firearms Freedom Act of 2014".

SECTION 2. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (a) and by substituting instead the following:

(a)

(1) A person commits an offense who carries a club with the intent to go armed.

(2) A person commits an offense who carries a handgun fully concealed from ordinary observation on his person.

(3)

(A) The first violation of this subsection (a) is a Class C misdemeanor.

(B) A second or subsequent violation of this subsection (a) is a Class B misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-1307, is further amended by deleting subsection (e) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting subdivisions (a)(1) and (a)(5) in their entirety.

SECTION 5. Tennessee Code Annotated, Section 39-17-1310, is amended by deleting subdivision (4) and by substituting instead the following:

(4) A person entering the property who does not remove any firearm from the vehicle; provided however, that the person may remove a firearm from the vehicle for the limited purpose of storing it in or on another portion of a vehicle.

SECTION 6. Tennessee Code Annotated, Section 39-17-1351(n)(1), is amended by adding the language " , either openly or concealed" at the end of the first sentence of the subdivision.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.